

## Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 5-7, 19-21 and 33 have been amended. No claims have been canceled. Therefore, claims 1, 3-15, and 17-42 are now presented for examination.

Claims 5-7, 19 and 20 have been amended to correct any informalities.

Claims 1, 3-15, and 17-42 stand rejected under 35 U.S.C. §102 (e) as being anticipated by Tobin (U.S. Pub. No. 2002/0077992). Applicants submit that the present claims are patentable over Tobin.

Tobin discloses an electronic system that includes a user transaction device that provides a device identifier when coupled to a transaction terminal. The transaction terminal is configured to indicate that a transaction is to be performed when coupled to the user transaction device. The electronic system also includes a transaction privacy clearinghouse (TPCH), coupled selectively to the user transaction device when a transaction is to be performed. The TPCH is coupled to receive the device identifier and accessible data. Additionally, the accessible data is to be stored in a public storage area of a memory storage device that can be communicatively coupled to the user transaction device. The TPCH authorizes a transaction based upon the device identifier and the accessible data that includes account information of a user that is authorized to use the user transaction device. Moreover, a transaction is authorized without providing the identity of the user to the transaction terminal. The memory storage device also includes a private storage area for storage of confidential data such that the private storage area is

to be encrypted with a key that is to be stored in the user transaction device. See Tobin at paragraph [0007].

Claim 1 of the present application recites a controller to control communication of data between a wireless communication module a first remote device by determining access rights associated with the first remote device to the public storage area and the private storage area. Applicants submit that nowhere in Tobin is there disclosed a controller to determine access rights of a remote device to a public storage area and a private storage area of a portable device. Consequently, claim 1 is patentable over Tobin.

Claims 3-14 depend from claim 1 and include additional features. Thus, claims 3-14 are also patentable over Tobin.

Claim 15 recites a controller to control communication of data between a wireless communication module a first remote device by determining access rights associated with the first remote device to the public storage area and the private storage area. Therefore, for the reasons described above with respect to claim 1, claim 15 is also patentable over Tobin. Because claims 17-20 depend from claim 15 and include additional features, claims 17-20 are also patentable over Tobin.

Claim 21 recites controlling the communication of data between a remote device and private and public storage areas dependent upon access rights to the private and public storage areas. Accordingly, for the reasons described above with respect to claim 1, claim 21 is also patentable over Tobin. Since claims 22-32 depend from claim 21 and include additional features, claims 22-32 are also patentable over Tobin.

Claim 33 recites controlling the communication of data between a remote device and private and public storage areas dependent upon access rights to the private and public storage areas. Thus, for the reasons described above with respect to claim 1, claim 33 is also patentable over Tobin. Because claims 34-42 depend from claim 33 and include additional features, claims 34-42 are also patentable over Tobin.

Applicants respectfully submit that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: July 1, 2005

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